



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

Item 4
9:20 AM
July 11, 2019

STAFF REPORT

TO: Planning Commission

FROM: **Michalyn DelValle**, Community Development Director
Eric Porter, Associate Planner

DATE: July 1, 2019

SUBJECT: **Major Use Permit Application, UP 19-18; Use Permit Renewal for Munderloh's Calico Cat RV Park; Categorical Exemption, CE 19-44**

Supervisor District 3

ATTACHMENTS:

1. Vicinity Map
2. Agency Comments
3. Proposed Conditions of Approval with Site Plan

I. EXECUTIVE SUMMARY

Dan Kelly, owner of Munderloh's Calico Cat RV Park, is seeking approval of a new use permit to operate an existing RV Park located at 3297 East State Highway 20, Nice, CA. The park was originally established in 1941. The owner, Dan Kelly, acquired the park in 2009. The site had a fairly extensive history of violations, however all violations were corrected by the close of escrow in early 2010. The owner wants to re-establish the park as a legitimate use, thus this use permit was submitted and is under review. The original State license to operate this park had expired on November 30, 2005 according to County data. Approval of this Use Permit would enable the applicant to apply at the State Department of Housing and Community Development for a new State permit to operate the park.

Staff recommends approval of Major Use Permit, UP 19-18.

II. PROJECT DESCRIPTION

Applicant/Owner: Dan Kelly

Location: 3297 East State Highway 20, Nice, CA 95464

A.P.N.: 032-123-02

Parcel Size: 1.79 acres in size

General Plan: Resort Commercial

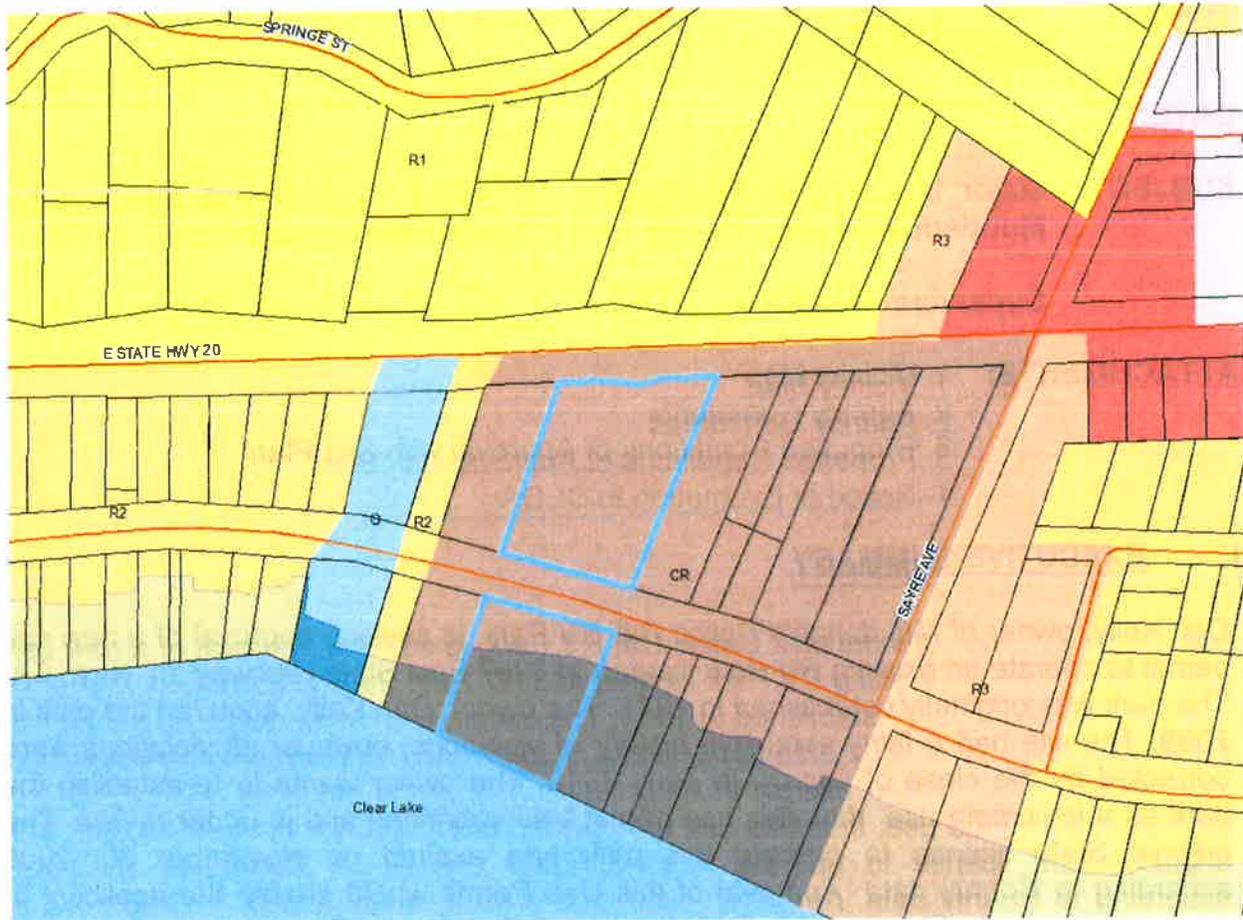
Zoning: "CR-DR-SC-FF-WW"; Resort Commercial – Design Review - Scenic Combining District – Floodway Fringe – Waterway

Flood Zone: AE

Date Submitted: May 30, 2019

III. PROJECT SETTING

Existing Uses and Improvements: The property is fully developed with an RV Park.



Zoning Map of Site and Surrounding Area

North: Parcels zoned "R1" Single Family Residential. The parcels range in size from 0.5 to 1.5 acres and are mostly developed with dwellings.

South: Clear Lake

West: CR – Resort Commercial zoned land; contains a dwelling and vehicle storage yard.

East: CR – Resort Commercial zoned land; contains an RV Park.

Topography: Parcel is flat (Less than 10% Slope)

Soils:

The developed portion of the site contains **Type 244 – Wappo Variant clay loam, 2 to 8% slopes**. This soil type is generally very deep and moderately well drained. Permeability of the Wappo Variant soil is very slow. Available water capacity is 4.5 to 5.5 inches. Effective rooting depth is 60 inches or more. The clay layer in the subsoil can restrict root penetration. Surface runoff is medium, and the hazard of erosion is moderate. The shrink-swell potential is high in the subsoil.

Water Supply: Lake County Sanitation District (LACOSAN)

Sewage Disposal: Lake County Sanitation District (LACOSAN)

Fire Protection: Northshore Fire Protection District

IV. PROJECT ANALYSIS

General Plan Conformance

The land use designation on this site is Resort Commercial. This land use category provides for a mix of commercial uses oriented toward tourists and other visitors to the county, including agriculturally-based tourism. Typical uses that would be permitted include: recreation activities (e.g., golf courses); dining; entertainment services; destination-resorts; various types of lodging facilities such as, but not limited to hotels, motels, retreats, fractional ownership lodging units and time-share units; wineries; spas; and on-site residential uses if secondary and subordinate to commercial resort uses. This designation is located both inside and outside of Community Growth Boundaries.

The Lake County Zoning Ordinance, Article 27, allows RV Parks in the Resort Commercial zoning district through a major use permit review process. This park's use permit had expired in 2005; the applicant is taking necessary steps to legitimize this existing RV Park through this use permit review process.

Zoning Ordinance Conformance

Article 17 "CR" Resort Commercial District

Purpose: to provide for tourist recreational development in areas of unique scenic and recreational value, while providing for maximum conservation of the resources of the parcel. The following regulations shall apply to all "CR" districts and all uses shall be subject to development review as set forth in Article 56.



Existing View of Parcel from Highway 20

The project is a permitted use in the CR zoning district subject to a major use permit. The parcel is situated along the waters of Clear Lake and has been fully developed with a 22 space RV Park.

Article 43 MOBILE HOME PARKS, RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

SEC. 21-43.20 Recreational Vehicle Park Standards

43.22 Recreational vehicle parks: Shall conform to the following standards, including those of Section 43.30. These standards may be varied upon application for and approval of a variance pursuant to Article 52 or through the Planned Development Commercial process pursuant to Article 15.

- (a) Maximum density: Eighteen (18) spaces per acre.

The 1.79 acre project site has 22 RV spaces, thereby complying.

- (b) Lot Occupancy: The occupied area of any recreational vehicle space shall not exceed 75 percent of the space area.

The occupied area is less than 75 percent of the space area; see aerial photo below.

- (c) Setbacks: Recreation vehicles shall be located a minimum of three (3) feet from any side or rear space line.

Complies, the RV spaces are set back 10 or more feet from side and rear property lines.



(d) Access: Main access, as provided in Section 43.4(q)1. and internal access, as provided in Section 43.11(d)2.

43.4(q)1:

(q) Access:

1. All streets shall be designed by a registered civil engineer and paved with asphaltic concrete to not less than twenty-five (25) feet in width if no car parking is permitted; and to not less than thirty-two (32) feet in width if car parking is permitted on one side and forty (40) feet in width if car parking is permitted on both sides. Roads may be divided into separate adjacent one-way traffic lanes by a curbed divider if each lane is not less than fifteen (15) feet in clear width; if car parking is proposed, each lane shall be increased in width by seven (7) feet.

No new or altered streets are involved other than those already developed and that will provide access to the interior driveways; therefore (q)1 is not applicable to this application.

43.11(d)2:

(d) Access:

2. Internal access:

- i. Each campsite shall abut and have direct access to a roadway not less than eighteen (18) feet in width, where designed for two-way traffic.
- ii. The width of a roadway may be reduced to twelve (12) feet if designed and clearly marked for use by one-way traffic. Each one-way roadway should originate from and terminate upon a two-way roadway. Four-way intersections shall be utilized only where there is no other feasible road design.
- iii. Internal roadway shall be surfaced with asphaltic concrete or a double chip seal unless the Review Authority finds that an alternative will be more appropriate.
- iv. If car parking is proposed, add seven (7) feet to minimum roadway widths of Subsections i and ii above for each parking lane.

The site takes access from Lakeshore Boulevard and from State Highway 20. Both accesses meet the standards found in 43.4(q)1 and 43.11(d)2. The primary driveway is 20 feet wide (2-way traffic). The secondary driveway is 12 feet wide and is one-way. The driveways are paved with asphalt. No 'on-street' parking is provided; all parking spaces are off the interior travel path.

- (e) Buffer strip: A minimum ten (10) foot buffer strip shall be provided along all streets or roadways adjoining the park which may include up to five (5) feet of unused right-of-way. A minimum three (3) foot buffer strip shall be provided along all interior property lines.

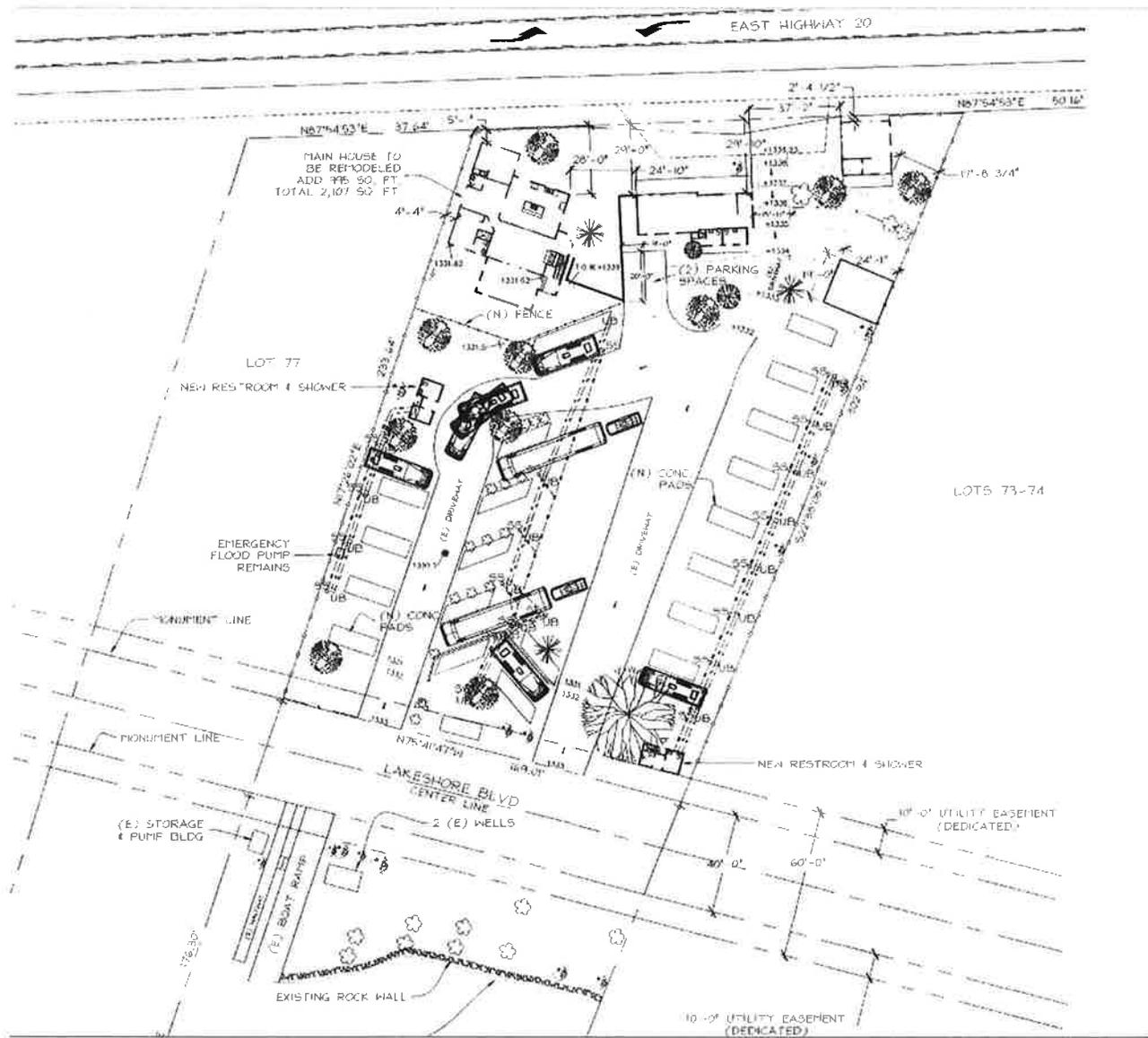
The plans submitted comply; see site plan, next page.

- (f) Signs: All signs shall comply with Article 45.

RV Parks are allowed to have one ground-mounted sign and one wall sign. The property meets this requirement, including the 6' height limit for ground-mounted signage.

SEC. 21-43.30 General Provisions for ... Recreational Vehicle Parks

43.31 The following provisions shall be applicable to... recreational vehicle parks:



(a) Road design: The maximum grade on all roadways shall be fifteen (15) percent.

The site is flat, and the interior driveway is existing and is much less than 15 percent slope.

(b) Parking standards:

1. Guest parking shall be provided at the rate of one (1) additional space per ten (10) RV spaces or campsites. Guest parking may be located in a centralized area(s) or on or adjacent to each RV space or campsite. Parking areas should be screened from roads, activity areas, and adjoining property whenever possible. A minimum of two (2) tandem parking spaces shall be provided to permit parking for persons registering for the campground.

There are two designated 'guest parking' spaces shown on the site plan. There are already tandem parking spaces available for most of the RV pads, thereby meeting this requirement.

2. All spaces that do not have sewer hookups shall be no further than 400 feet from a comfort station.

- (c) Numbering: Lots and campsites shall be numbered and the numbers visible on each campsite.

All lots and RV pads are already numbered.

- ~~(d) Commercial uses: A recreational vehicle park or campground located in the "CR" district may include other commercial uses of any size, as long as the uses are permitted within that zoning district. The area used for commercial uses open to the general public in the "CR" district, including structures, parking and landscaping, shall not be included when calculating overall density for the RV park.~~

No new commercial uses are proposed for this RV Park. If any future commercial uses are contemplated, then this use permit can be modified to include the new commercial use(s), which shall be shown on a revised site plan and elevations to assure compliance with setbacks, height, and compliance with Design Review standards.

- (e) Manager's quarters: Living quarters may be provided for the use of a caretaker and/or owner/manager. The living quarters may be either a mobile home or a permanent dwelling unit. The location of the living quarters shall be subject to approval of a Development Review Permit and shall not detract from any existing recreation area in an existing RV park or campground.

The manager's quarters are already on site.

- (f) Landscaping or forest management plan: A landscaping plan and/or a forest management plan may be prepared for both recreational vehicle parks and campgrounds. The type of plan(s) to be prepared will be determined by the Review Authority holding the hearing on the major use permit.

1. Forest management plans shall be prepared by a state licensed forester and shall include provisions for a continuous management program.

The area containing the RV Park is not in a forested area, and the immediate area is generally developed with other commercial uses. The park is fully developed; there would be no purpose served by requiring the applicant to provide a Forest Management Plan for this already-developed RV Park.

2. The landscape plan shall be prepared by a qualified individual as specified in Subsection 43.4(v)1 and shall include the following:

- i. Contours at intervals sufficient to indicate all slope area to be landscaped.
- ii. Planting areas drawn to scale and plants clearly located and labeled.
- iii. Location, name and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan.
- iv. Irrigation facilities adequate to maintain plant materials at all times. Use of automatic watering systems is encouraged to facilitate maintenance. Hose bibs shall be located within serviceable proximity to every planter where automatic water systems are not employed.
- v. A continuous maintenance program shall be provided for the landscaped areas. The plan shall include repair or replacement as needed for the life of the park.
- vi. All approved landscaping shall be installed or financial assurance provided to the Department in an amount sufficient to fund the total cost of the required landscaping.

The RV Park is fully developed and landscaped. Contour lines are shown on the site plan submitted. The irrigation system is in place, and the plant material upon visual inspection is healthy. The site is well-maintained, and a condition is added that assures that ongoing maintenance shall occur or this permit could be revoked by the Community Development Department.

- (g) With the exception of manager's quarters, RV parks or campgrounds shall not be used for permanent residential purposes.

A condition of approval has been added that limits RV stays to 30 days per RV.

Article 36 "FF" – Floodway Fringe

The purpose of Article 36 is to provide land use regulations for parcels and their improvements situated in the floodplain to ensure protection from hazards and damage which may result from flood water.

The project is located within the "AE" - 100 year flood; base flood elevation and flood hazards factors had previously been determined.

Single family dwellings are permitted within the "FF" Floodway Fringe Combining District Pursuant Section 36.3(f) of the Lake County Zoning Ordinance.

Article 37 "WW" - Waterway Combining District

The purpose of Article 37 is to preserve, protect and restore significant riparian systems, streams, riparian, aquatic and woodland habitats, protecting water quality, erosion

control, sedimentation/runoff and protecting the public's health/safety by minimizing dangers due to flood and earth slide.

The parcel is located along the shores of Clear Lake and according to the applicant is fully developed; the purpose of this use permit is to re-establish the validity of the park, whose state license had expired as of November 30, 2005. The applicant may build as shown in the approved site plan submitted as long as the applicant submits and obtains the appropriate Federal, State and local permits.

Upper Lake - Nice Area Plan

Nice Community Area - Efforts should be made through the use of land use designations and the Redevelopment Agency to develop a "town core" or "town center" in the vicinity of the Nice Harbor and Hinman Park. Resort-recreational related uses should be encouraged and developed in the area between the ... condominiums and the harbor, south of Highway 20.

Economic development activities should include diversification of the service/retail commercial base within the community, trending toward tourist support uses. Commercial development intended to support the region should be located at the intersection of the Nice – Lucerne Cutoff and Pyle Road with Highway 20. Heavy commercial uses should continue to be developed along Stokes Avenue. Design standards should be developed for these commercial areas to ensure that new developments are aesthetically pleasing and do not detract from scenic resources.

The entire property is within a scenic corridor for Highway 20, however no new development will occur according to the applicant; therefore the scenic corridor designation is merely advisory.

The property is zoned CR - 'Resort Commercial'. RV Parks are permitted uses in the CR zoning district subject to a major use permit review and approval. The applicant is under review for the use permit, thus satisfying the submittal requirements necessary to legitimize the use.

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of their actions. The applicant is replacing an existing single family residence with new construction, therefore a CEQA Categorical Exemption, Class 1 is appropriate for this project. A Class 4 Categorical Exemption (CEQA Guidelines Section 15304) can be applied to projects such as this one if no changes are occurring to the site.

VI. FINDINGS FOR APPROVAL

Major Use Permit (Article 51, Section 51.4a)

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in

the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

The site is adjacent to a similar use to the immediate west, and the properties to the east and west are zoned 'Resort Commercial', which allows RV Parks as a permitted use subject to use permit approval.

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

The site is 1.76 acres in area and already is developed with an RV Park. The 22 space RV park has adequate interior parking and vehicle access, and is suited for this location in terms of size and location, as well as physical characteristics that enable adequate parking and individual RV separation.

3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.

The site is accessed by Highway 20 and by Lakeshore Boulevard. Both of these roads are sufficient for providing access to the site, as well as for pedestrian and bicycle usage (the highway has some limitations for pedestrians and bicycles outside of the Nice planning area).

4. The project site has existing public and/or private services, including but not limited to fire protection, water supply, sewage disposal and police protection to serve the project.

The site is connected to LACOSAN (public) sewer and water, and there are no known capacity issues with either. The site is served by Northshore Fire Protection District and Lake County Sheriff's Department.

5. The project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use study or plan.

The property is zoned CR – Resort Commercial. Article 17 of the Lake County Zoning Ordinance allows RV Parks subject to major use permit approval.

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.
Lake County Code Enforcement Supervisor Kathy Freeman confirmed on June 17, 2019 that there are no active violations on the site.

VII. RECOMMENDATION. Staff recommends that the Planning Commission:

- A. Find that this project has been found to be Categorical Exempt from CEQA as a Class 4 Exemption which is appropriate for projects that involve little or no new site disturbance.**
- B. Approve Major Use Permit, UP 19-18 with the following findings:**
1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
 2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
 3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
 4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
 5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
 6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property.

Sample Motions:

Categorical Exemption

I move that the Planning Commission find that the **Use Permit, UP 19-18** as applied for by **Dan Kelly** on property located at **3297 East State Highway 20, Nice, CA, further described as APN: 032-123-02** is exempt from CEQA because it falls within Categorical Exemption Class 4 set forth with the findings in the staff report dated **July 1, 2019**.

Major Use Permit

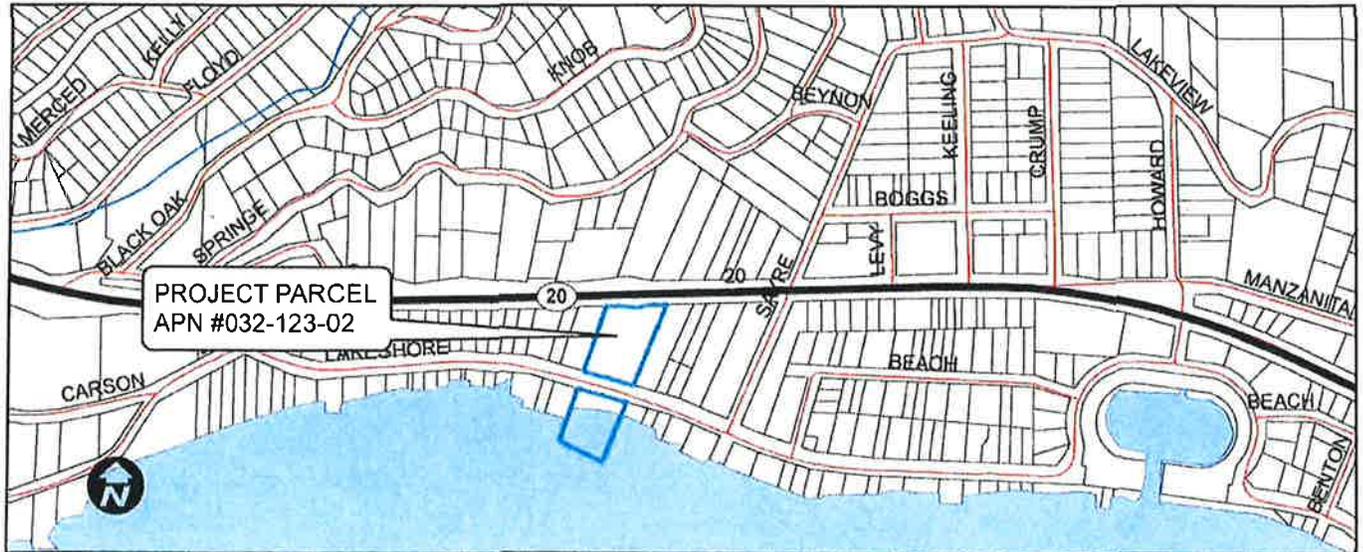
I move that the Planning Commission find that the **Use Permit, UP 18-03** applied by **Dan Rush** on property located at **3297 East State Highway 20, Nice, CA, further described as APN: 032-123-02** does meet the requirements of Article 43 and Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the staff report dated **July 1, 2019**.

***NOTE:** The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The*

Dan Kelly, Munderloh's Calico Cat RV Park, Major Use Permit, UP 19-18

appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination

Reviewed By: _____



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPT.
COURTHOUSE - 255 N. FORBES ST.
LAKEPORT, CA 95453

2702

Attachment 1

Eric Porter

From: Lori Baca
Sent: Monday, June 17, 2019 11:26 AM
To: Eric Porter
Subject: RE: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Eric,

Parcel 032-123-02 located at 3297 Highway 20 in Nice is an actively billed sewer account within LACOSAN service area. This account is currently being billed for ONE SFD, however, this APN holds 14 SFD equivalent entitlements.

**** Connection to LACOSAN will be made in accordance with the rules, regulations, policies, procedures and ordinances in effect at the time of application****

If you have any questions please do not hesitate to call me.

Lori A. Baca, CTA

Customer Service Coordinator

Lori.Baca@lakecountyca.gov

Office Number (707) 263-0119

Fax (707) 263-3836



From: Eric Porter
Sent: Wednesday, June 12, 2019 4:23 PM
To: Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Rex.Jackman@dot.ca.gov; Jay Beristianos <chief800@northshorefpd.com>; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Melissa Fulton <ceo@lakecochamber.com>
Cc: Eric Porter <Eric.Porter@lakecountyca.gov>; Byron Turner <Byron.Turner@lakecountyca.gov>; Michalyn DelValle <Michalyn.DelValle@lakecountyca.gov>
Subject: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Hi all,

Please have your comments to be on or before June 25th for this proposal.

Attachment 2

Thank you,

Eric J. Porter
Associate Planner
County of Lake
707-263-2221

Eric.Porter@lakecountyca.gov



Eric Porter

From: Gordon Haggitt
Sent: Monday, June 17, 2019 2:35 PM
To: Eric Porter
Subject: RE: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Really – The Calico Cat Resort? I love it. Just make sure any improvements he makes or has made is within the setbacks.

Gordon M. Haggitt
County Surveyor, County of Lake
(707)263-2341

From: Eric Porter
Sent: Wednesday, June 12, 2019 4:23 PM
To: Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Rex.Jackman@dot.ca.gov; Jay Beristianos <chief800@northshorefpd.com>; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Melissa Fulton <ceo@lakecochamber.com>
Cc: Eric Porter <Eric.Porter@lakecountyca.gov>; Byron Turner <Byron.Turner@lakecountyca.gov>; Michalyn DelValle <Michalyn.DelValle@lakecountyca.gov>
Subject: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Hi all,

Please have your comments to be on or before June 25th for this proposal.

Thank you,

Eric J. Porter
Associate Planner
County of Lake
707-263-2221
Eric.Porter@lakecountyca.gov



Eric Porter

From: Yuliya Osetrova
Sent: Monday, June 17, 2019 8:29 AM
To: Eric Porter
Subject: RE: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Ok then, I'll take your work for it.)

From: Eric Porter
Sent: Monday, June 17, 2019 8:28 AM
To: Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>
Cc: Byron Turner <Byron.Turner@lakecountyca.gov>
Subject: RE: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Hi Yuliya,

The plans that Mr. Kelly submitted are 'as built' that are 10 years old. Mr. Kelly will not cooperate to getting us any new plans. Michalyn agreed to move through the process using 10 year old plans. Since he's not building anything new, although this is not ideal, this is my direction.

I hope this makes sense. I'm comfortable using 'as built' provided what is on the plans was actually built. I'll be doing a site visit this week to verify the legitimacy of these plans.

Thanks,
Eric

From: Yuliya Osetrova
Sent: Monday, June 17, 2019 08:24 AM
To: Eric Porter <Eric.Porter@lakecountyca.gov>
Subject: RE: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Good morning Eric,

The plan that is attached to the RFR shows the Main House proposed to be remodeled and new Restroom and Shower at two locations to be installed?

Yuliya

From: Eric Porter
Sent: Monday, June 17, 2019 7:53 AM
To: Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>
Subject: RE: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Good morning Yuliya,

Mr. Kelly isn't building anything; his permit expired and he is renewing the permit. The park is already fully developed.

I've never dealt with this here (in California), so I'm not sure what if anything we need from him. The park was originally built in the 1940s by the way.

Eric

From: Yuliya Osetrova
Sent: Friday, June 14, 2019 03:41 PM
To: Eric Porter <Eric.Porter@lakecountyca.gov>
Subject: RE: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Eric,

I do not recall the initial review of this permit specific details.
I need to see what the proposed construction Stormwater BMPs are.

Thank you,

Yuliya Osetrova
Water Resources Engineer III
Lake County Water Resources Department
(707) 263-2344

From: Eric Porter
Sent: Wednesday, June 12, 2019 4:23 PM
To: Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>;
Rex.Jackman@dot.ca.gov; Jay Beristianos <chief800@northshorefpd.com>; Todd Mansell
<Todd.Mansell@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Kelli Hanlon
<Kelli.Hanlon@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Yuliya Osetrova
<Yuliya.Osetrova@lakecountyca.gov>; Melissa Fulton <ceo@lakecochamber.com>
Cc: Eric Porter <Eric.Porter@lakecountyca.gov>; Byron Turner <Byron.Turner@lakecountyca.gov>; Michalyn DelValle
<Michalyn.DelValle@lakecountyca.gov>
Subject: Dan Kelly's RV Park - new use permit for expired approval - RFR attached

Hi all,

Please have your comments to be on or before June 25th for this proposal.

Thank you,

Eric J. Porter
Associate Planner
County of Lake
707-263-2221
Eric.Porter@lakecountyca.gov



**COUNTY OF LAKE
Major Use Permit UP 19-18
Categorical Exemption, CE 19-44
MUNDERLOH'S CALICO CAT RV RESORT**

CONDITIONS OF APPROVAL

Expires if not used by: July 11, 2021

Pursuant to the approval of the Planning Commission on July 11, 2019, there is hereby granted to **Munderloh's Calico Cat Resort, a Major Use Permit (UP 19-18) and Categorical Exemption to CEQA (CE 19-44) to reinstate the legal status of an existing RV Park with the following conditions** on property located at **3297 East Highway 20, Nice, CA, and further described as APN # 032-123-02**, subject to the following terms and conditions.

A. GENERAL CONDITIONS:

1. The use hereby permitted shall substantially conform to the ***Project Description and Sites Plans*** and any conditions of approval imposed by the General and Specific Plan of Development and Review Authority to allow ***Munderloh's Calico Cat RV Resort***. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts. Applicant shall be in substantial conformance with the following:
 - a. *Site Plan dated 5/19/2010*
 - b. *Application packet and support materials, submitted 5/30/2019*
2. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
3. The permit holder is responsible for insuring that all project workers are informed of understand, and agree to abide by the approved plans and project conditions.
4. The permit holder shall comply with the regulations of the California Housing Authority who oversees all manufactured and RV parks in the State.
5. The parking lot shall meet accessibility standards including one (1) ADA compliant parking space. Please contact the Community Development Department - Building Division for more information.
6. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place or harborage for pest. Any outdoor storage shall be maintained in an orderly manner and shall not create a fire, safety, health and/or sanitary hazard.
7. This permit shall be null and void if the use is abandoned for a period of two (2) years.
8. Any changes not authorized by this Use Permit shall require a modification to this use permit unless the Community Development Director determines that the change is not significant enough to warrant a modification.
9. Durations of stay are limited to 30 days for each RV guest / RV.

B. AESTHETICS:

1. **Trash storage:** A centralized refuse and trash storage area(s) shall be provided and be readily accessible to all mobile home spaces. Trash storage areas shall be concealed from any public and private street and enclosed by a six (6) foot solid wall or fence.

2. Perimeter fencing: A six (6) foot high solid fence of (1) masonry, or (2) wood, or other fencing or screening as approved by the Planning Commission shall be provided around the perimeter of all developed areas of the mobile home park; except that the Planning Commission may waive fencing on waterfront sites.
- C. AIR QUALITY:**
1. All mobile diesel equipment used for construction and/or maintenance must be compliant with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air toxic Control Measures for CI engines.
 2. All roads, trails and access routes shall be paved and/or adequately surfaced to prevent dust generation.
 3. Vegetation, construction debris and/or demolition debris burning on the RV Park site is not permitted.
- D. BIOLOGICAL RESOURCES:**
1. **Prior to commencement of any future activities within waters of the US (Clear Lake)**, the Army Corps of Engineers shall be notified and any necessary permits shall be obtained in conjunction with Section 404 of the Clean Water Act. Additionally, a Water Quality Certification shall be obtained from the Central Valley Regional Water Quality Control Board.
 2. Any project improvements and/or development that results in the discharge of dredged and/or fill material into potential jurisdictional areas on the project sites shall require authorization from the following agencies, which included but is not limited to the U.S Army Corps of Engineers Nationwide Permit; Regional Water Quality Control Board pursuant to Sections 404 and 401 of the Clean Water Act respectively; California Department of Fish and Wildlife.
- E. CULTURAL RESOURCES:**
1. Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the local overseeing Tribe shall be notified, and a qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, they shall be treated in accordance with Public Resources Code Section 5097.98 and with California Health and Safety Code section 7050.5.
- F. GEOLOGY & SOILS:**
1. **In the event that any future ground disturbance is needed**, the permitted may at the County's discretion be required to submit Erosion Control and Sediment Plans to the Water Resource Department and the Community Development Department for review and approval. This does not apply to 'exchanging' RVs on pre-existing RV spaces.
 2. Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Director. The actual dates of any new grading needed may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.
- G. HAZARDS & HAZARDOUS MATERIALS**
1. The project shall comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

2. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state and federal regulations.
 3. If the operation includes storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.
 4. Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from the creek; vehicles and equipment shall receive proper and timely maintenance.
 5. The applicant shall submit an Emergency Evacuation Plan to the Community Development Department, the Lake County Sheriff's Office and the Northshore Fire Protection District within sixty (60) days of project approval for review and approval. *(Mitigation Measure HAZ-8)*
 6. Hazardous waste (including industrial waste) must be handled according to all Hazardous Waste Control and Generator regulations. Waste shall not be disposed of on-site without review or permits from EHD, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.
 7. Industrial Wastewater or any other classification of waste shall not be disposed on-site without review or permits from the Environmental Health Division, the Regional Water Quality Control Board and/or the Air Quality Board.
 8. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.
 9. Any waste detrimental to a public sewer system and/or a sewage treatment plant, shall not be discharged into a public sewer system unless they have been pretreated to the degree required Lake County Special Districts. The permit holder may contact the Lake County Special District at (707) 263-0119 for specifics.
- H. HYDROLOGY & WATER QUALITY**
1. The applicant shall continue to maintain all required permits from the State Water Resource Control Board – Division of Drinking Water and submit written verification to the Community Development Department. If permit(s) areas updated and/or modified, applicant shall provide a copy to the Community Development Department within sixty (60) days permits issuance.
 2. Any new development shall maintain a minimum of a thirty (30) foot setback from top of bank from Clear Lake.
- I. NOISE:**
1. All construction activities including engine warm-up shall be limited Monday through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on

nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work. (Mitigation Measure NOI-1)

2. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11.12 at the property lines. (Mitigation Measure NOI-2)
3. No use shall generate ground vibration which is perceptible without instruments beyond the lot line. Ground vibrations caused by motor vehicles, aircraft, temporary construction work, or agricultural equipment are exempt from these standards.

J. TRANSPORTATION AND TRAFFIC:

1. Any structures and/or private facilities are not authorized within public right-of-way.

2. The installation of any road signs shall be reviewed and approved by the Lake County Department of Public Works and / or CalTrans prior to installation.
3. Gates shall not be constructed across driveways and/or access roads that are used by neighboring properties or the general public. Gates constructed across public access easements are subject to removal per State Street and Highway Codes. A Knox box is required on all gated entrances for emergency vehicle access.
4. The permit holder shall meet and maintain all access requirements and/or regulations as defined in 14 California Code of Regulations (CCCR), Division 1.5, Chapter 7, Subchapter 2, Article 2, §1273.00 through §1273.11 of the California Department of Forestry and Fire Protection (Cal Fire) for Emergency Access and Egress Requirements.

K. UTILITIES and SERVICE SYSTEMS:

1. All connections of LACOSAN shall be made in accordance with the rules, regulations, policies, procedures and ordinances in effect at the time of the application. The permit holder shall contact Special District at (707) 263-0119 for further information.

L. MONITORING AND EXPIRATION:

1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
2. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.
3. This permit shall be valid for an indefinite period of time unless it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.
4. A continuous maintenance program shall be provided by the mobile home park developer for the landscaped areas. The plan shall include repair or replacement as needed for the life of the park.

Michalyn DeValle
Community Development Director

Prepared by: EP

By: _____
Danae Bowen, Office Assistant III

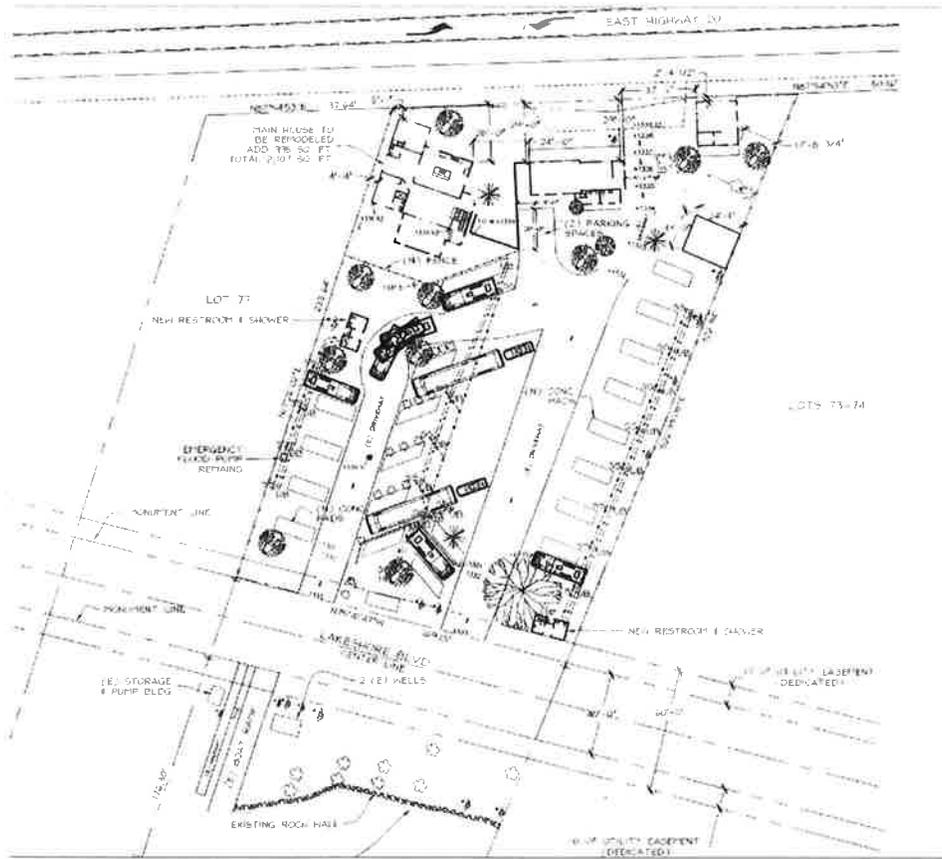
Acceptance

I have read and understand the foregoing Conditionals of Approval and agree to each and every term and condition thereof.

Date: _____

Signature of applicant or authorized agent

Printed name of applicant or authorized agent



Munderloh's Calico Cat RV Resort – Site Plan

